IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 10459 of 2002

Between:

M. Venugopala Rao S/o. Kishan Rao
R/o. Khanpur Village, Manchala Mandal,
Ranga Reddy District.

..... PETITIONER

AND

1.The Excise Superintendent Ranga Reddy District
Hyderabad.
2. The Commissioner of Excise,
A.P. at Hyderabad.
3. The Station House officer
P.S.-Ibrahimpatnam, Ranga Reddy District.
4. The Excise Circle Inspector & Excise Sub. Inspector,

Ranga Reddy District at Ibrahimpatnam.
5.Sri Bhargavi Wines, Ibrahimpatnam Near: Lakshmi Narasimha Swamy Temple by its Owner: Sri G. Manikyamgoud,

besides Gram Panchayat, Ibrahimpatnam,
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the official respondents in permitting the 5th Respondent to run the wine shop within 60 meters distance from the Temple of Sri

Lakshminarasimha Swamy, Ibrahimpatnam as illegal, arbitrary, violative of Rules of the Excise Act, null and void and consequently direct the official respondents to displace the wine shop viz. Sri Bhargavi Wines from the surroundings of Sri Lakshmi Narasimha Swamy Temple, Ibrahimpatnam, forthwith.

Counsel for the Petitioner: None appeared.

Counsel for the Respondent No.5: Mr. KALYAN RAO JOSHI

Counsel for Respondents 1 to 4: G.P. for Prohibition & Excise.

The Court made the following :

ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

None for the petitioner.

The petitioner has questioned the action of the official respondents in permitting the 5th respondent to run the wine shop within 60 meters distance from the Temple of Sri Lakshminarasimha Swamy, Ibrahimpatnam, as illegal and arbitrary. The Writ Petition is not supported by any of the documents, or, sketch map showing the exact distance from the temple to the wine shop.

Respondent No.5 filed counter affidavit furnishing details that the distance from the shop to the alleged temple is around 100 meters. Shop is being run for the last five years without any objection, and, none of the residents of the vicinity never made a complaint nor felt inconvenience because of the location of the shop. Respondent No.5, in fact, has gone to the extent of saying that the premises, which are termed as temple is neither a temple nor a mandapam. There is no idol in this room and it is not a place of worship. In the said room, Utsava Vigraham made of Panchalohas of Sri Lakshmi Narasimha Swamy Temple, which is situated on a hillock at a distance of 2 kms. from the village is stored for safety purposes. The Store Room is to keep the Utsava Saman and Seshavavastrams of Mula Virat of Sri Lakshmi Narasimha Swamy to store for 364 days in a year so that they can be safe and taken out on the

day of Kalyanam. There is no idol, no worship, and, there is no gathering of devotees at that place.

We find no substance in the petition on the basis of what has been stated by the petitioner. Therefore, the Writ Petition is dismissed. No costs.

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DEVINDER GUPTA, C.J.

24.1.2005.

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M.NARAYANA REDDY, J.

VR.

To

1.The Excise Superintendent, Ranga Reddy District
Hyderabad.
2. The Commissioner of Excise,
A.P. at Hyderabad.
3. The Station House officer,
P.S.-Ibrahimpatnam, Ranga Reddy District.
4. The Excise Circle Inspector/Excise Sub-Inspector,

Ranga Reddy District at Ibrahimpatnam.
5. Two CCs to Government Pleader for Prohibition & Excise, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.